

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

2:06cv35

| | | |
|---|---|--------------------------------|
| DEBRA L. GUY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| Vs. |) | JUDGMENT -SENTENCE FOUR |
| |) | REMAND |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER having come before the court on the government's consented to Motion to Remand (#16) and plaintiff's Motion for Summary Judgment (#14), and it appearing that remand pursuant to the fourth sentence of 42, United States Code, Section 405(g), is appropriate as shown by a Memorandum of Decision entered by the court simultaneously herewith;

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

- (1) the plaintiff's Motion for Summary Judgment is **DENIED** without prejudice;
- (2) the consented to Motion to Remand is **ALLOWED**;
- (3) the Commissioner's decision is **REVERSED** and the cause is **REMANDED** to the Secretary for purposes of conducting a new hearing pursuant to the fourth sentence of 42, United States Code, Section 405(g); and
- (4) this action is hereby **DISMISSED**.

Signed: July 25, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

